



state senator
Mike Delph

2006 LEGISLATIVE UPDATE

Indiana Senate
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SENATE PAGE PROGRAM OFFERS LEARNING OPPORTUNITIES

The General Assembly recognizes the importance of exposing young people to the democratic process. As a result, legislators offer students an important opportunity to serve as a page at the Statehouse.

This session we had a great response and I would like to thank all of the students who took the opportunity to come down to the Statehouse as a page. I had a great time getting to know all of the students and look forward to meeting even more students next session.

Any student from 6th grade to 12th grade can sign up to serve as a page for a day. The Senate Page Office will try to accom-

modate requests for specific dates, and students will be excused from school for the day.

Pages spend a day in the Senate assisting their local legislators. Responsibilities include responding to senators' requests, delivering messages and running errands. The day includes a tour of the Statehouse and observation of a session, if one is in progress.

Those interested in serving as a page for the 2007 session should send their name, age, address, phone number and school affiliation to my Statehouse office.



Senator Delph with page Meghan Vasil and Lt. Governor Becky Skillman



Senator Delph with page Allison Eberlene and Lt. Governor Becky Skillman



Senator Delph visits with a fourth grade class from Traders Point Christian Church.



SENATOR MIKE DELPH

serving district 29: portions of Hamilton and Marion Counties

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Eminent Domain: Protecting Property Owners' Rights

The right to own property is fundamental to the American way of life. We are all familiar with the concept of "life, liberty, and the pursuit of happiness" set out in our Declaration of Independence. However, at the time the Declaration was issued, many Americans listed such basic God-given human rights as "life, liberty and property."

Last summer, the U.S. Supreme Court issued a ruling that threatens the right to own property. In *Kelo v. City of New London*, the court said that government may "take" private property for economic development.



The Supreme Court, however, left a loophole, saying legislatures may further restrict the use of eminent domain. This year, the General Assembly did exactly that.

This summer, Indiana created an Eminent Domain Study Committee to look at Indiana's property rights laws to see how they could be improved. Many of their conclusions are now in the form of House Enrolled Act 1010.

Perhaps most importantly, the new law requires the reason for using eminent domain be something that benefits the public. Thus, eminent domain can be used for a legitimate government purpose-but not simply to increase a local government's tax base.

The proposed new law does several other things, including placing time restrictions on eminent domain so that property owners are not left in limbo for years at a time; requiring just compensation for Hoosier property owners; and mandating good-faith negotiations between the condemner and the property owner.

When used appropriately, eminent domain is an important tool that can help provide anything from roads to parks to schools for public use. HEA 1010 ensures that this tool is not abused at the expense of Hoosiers' right to own private property.

Delph's Bill to Curb Drunk Driving Signed into Law

Each year, 40,000 Hoosiers are arrested for driving while intoxicated according to the Indiana Department of Criminal Justice. Many of these arrests were the result of alcohol related crashes. These people had the fortune of being able to walk away from the crash, but sadly, many innocent victims do not. Approximately 37 percent of fatal car accidents in Indiana involved alcohol. The Indiana General Assembly is joining with other state efforts to reduce the amount of drunk driving in Indiana.

Senate Enrolled Act 145, which I authored, was written in an effort to prevent repeat offenses of drunk driving. and the safety of Hoosiers on the road is better protected.



Senator Delph speaking on the Senate floor on the importance of SEA 145.

SENATE DISTRICT 29 GETS \$15 MILLION FROM MAJOR MOVES



Now that Major Moves has passed, it is important that people know what benefits they will see.

The money from the lease will be used to complete the long-awaited upgrades to U.S 31 and improvements to I-465.

Additionally, because of the size of the lease payment, \$150 million will be distributed to counties, cities and towns for local projects. The distribution is based on a formula similar to the distribution of gas tax revenues. The counties I represent will receive the following:

- Hamilton — \$4,112,379
- Marion — \$11,130,861

As you can see, Major Moves will generate a significant amount of money for our area that will improve the quality of life. I look forward to seeing a lot more orange construction barrels on the streets I represent in the coming years.

SAVING HOOSIER TAX DOLLARS

Cost savings, agency reorganizations and service improvements to date are estimated at more than **\$150 million**. Here are a few examples:

- Department of Correction ceased the practice of paying for a private prison in Kentucky to house 650 Indiana offenders. The DOC brought all 650 inmates back to Indiana with a cost savings of **\$6.6 million**.

- The Department of Administration launched an aggressive program to identify and sell surplus vehicles from the State's bloated and inefficient fleet. To date, 498 vehicles have been sold a a net of **\$808,207**.

- The Indiana Economic Development Corporation (IEDC) consolidated six regional offices at a savings of **\$1.5 million** annually.

- The Public Employees' Retirement Fund (PERF) renegotiated several professional services contracts, which resulted in an annual savings of **\$623,000**.

- When the function of the Intelenet Commission was transferred to the Office of Technology (IOT), IOT implemented efficiency measures generating cost savings of **\$4.6 million**.

- The State Personal Department Centralized agency HR activities to improve service, standardize policies and improve efficiency at a savings of **\$5 million**.

- The Department of Natural Resources conducted a reorganization to centralized administrative functions with an annual savings to approach **\$1.7 million**.

Delph Authors Military Relief Fund

This session the General Assembly passed Senate Enrolled Act 75, which I authored, that establishes a military relief fund for Indiana National Guard members and Indiana armed forces reservists called into active duty after the Sept. 11, 2001 terrorist attacks.

As an officer with the United States Reserves, I hear stories on a daily basis of men and women who are putting their lives on the line for our country but are unable to provide the most basic needs for their own families. It's time Indiana starts looking out for our everyday heroes.

Approximately 10,000 Hoosiers serve as active members of the Indiana National Guard. Thousands more serve as armed forces reservists. The military relief fund is designed as a way to subsidize the decreased household income by providing grants needed for utilities, clothing, food and transportation when the reservists are on leave.

SEA 75 also creates a Support Our Troops license plate, which allows all Hoosiers to show their support for our hardworking troops



Senator Delph looks on as Governor Mitch Daniels signs SEA 75 into law.

and their families. The money collected from the sale of this plate will be deposited into the military relief fund.

This law is modeled after the Illinois Family Relief Trust Fund, a similar program that took effect in 2003. Several other states are considering similar legislation; 22 have already implemented a program.

Protecting the Rights of Grieving Families

There is no greater sacrifice a person can make for their country than giving his or her life on the battlefield. Freedom truly is not free. When our fallen heroes return home for burial, it is one of the most difficult times in the lives of their families. Disruptive and insulting protests do not belong at a funeral. They may have their time and place, but a private service is not an appropriate venue.

Senate Enrolled Act 5 makes disorderly conduct at all funerals a Class D felony if the actions occur at a funeral home, the procession or at the grave site.

An extremist group headquartered in Kansas has gained notoriety by staging vulgar, disruptive protests at funerals nationwide, particularly those of fallen soldiers.

This law can help protect grieving families from hateful groups like this one.

This act is not an attack on freedom of speech. It simply ensures that grieving families have the right to lay their son or daughter,

wife or spouse, friend or relative to rest without being harassed and taunted. Anyone is still free to protest a funeral, if they feel that is appropriate and necessary, in any forum they desire. They simply must remain at least 500 feet away from the funeral.

SEA 5 isn't only about veterans — every funeral is entitled to the sanctity of peace, dignity and respect. That right is even more important if the family wants prayer said at the grave side. Finally, this bill will promote public safety by reducing possible encounters between protesters and counter-protesters.

The law does not limit anyone's freedom of speech. It does, however, defuse potential violent situations where angry citizens may feel compelled to take the law into their own hands against such protesters. Even more importantly, the law protects grieving families from actions like we have seen in recent months and allow those families to lay their loved one to rest in peace.

DELPH SPONSORS LOCAL CONSOLIDATION LEGISLATION

"Home Rule" is once again a hot topic around the Statehouse. It is the idea that local officials typically know what's best for their communities and that they should be provided with greater freedom to make decisions. That principle is carried forth this year in House Enrolled Act 1362, which gives local governments the right to consolidate without legislative approval.

State government should be in the business of encouraging local officials to find ways to save taxpayer dollars. Many believe that significant savings can be achieved by allowing a city to merge with a county, a town to merge with a city, or townships to merge with each other. Unfortunately, the current process of accomplishing such a merger is time-consuming and political.

In his State of the State address, Governor Mitch Daniels said, "How ironic that Indiana...leads the nation in the number of politicians we elect. How curious that Hoosiers, strong believers in local control, have imprisoned mayors and county officers in a system that prevents major change without state approval."

HEA 1362 allows either local legislative bodies or the residents of areas — through petitions — to initiate mergers. Once two localities start the merger process, a committee of local leaders is formed to work out the details. Finally, when a reorganization plan is complete, the proposal will be placed on the local ballot.

By giving the people a voice in government consolidation, we can ensure that such a move won't be forced on an unwilling population. Nor will a populace that desires a change be forced to wait for the state to respond.



Senator Delph visits with Hannah and Olivia Power at Crooked Creek Elementary school. Olivia won at a silent school auction to have lunch with Senator Delph.

The General Assembly believes local governments need to help slow property tax growth by reining in their spending. HEA 1362 gives towns, cities and counties the ability to join together to help lower the cost of government to their constituents.

Notably absent from this new consolidation procedure is state government. The days of the state having top-down control of local issues are numbered.

As a sponsor of this legislation, I worked hard developing a solution that received bipartisan support at all levels of government. The bill passed the Senate by a vote of 44-5 and the House by a vote of 88-8. The new law also provides an alternative to Indy Works and gives Mayor Bart Peterson the tools he needs to merge the fire departments and township government if that is what the people want.

I feel it's very important to give our local officials the authority to try innovative ways to run their governments at less cost and with greater efficiency.

DELPH FIGHTS TO PROTECT HOOSIER CHILDREN

Indiana's children are our state's most precious assets. Despite efforts to protect children, there are still sexual predators who continue to prey on their innocence. This session, several bills were filed in an effort to close loopholes and strengthen Indiana's child protection laws.

The only way to help prevent predators from striking twice is to ensure their whereabouts are known by law enforcement agencies. This year, the General Assembly created legislation that requires convicted sexual predators to wear a GPS monitoring device at all times. New legislation also specifies that a principal residence is the residence where the offender spends the most time. If the sex offender plans to spend more than 72 hours away from his/her principal residence, the individual must notify both the local law enforcement agency and that of the city or county of visitation with a complete itinerary, including a return date.

Also with this newly enacted legislation, any person at least 18 years old who is convicted of child molesting for a second time may be placed on lifetime parole once his or her prison term is complete



Senator Delph discuss a bill with Senator David Long (R-Fort Wayne) on the Senate Floor.

and any individual convicted of two child molesting crimes in another state whose parole is transferred to Indiana is also required to be placed on lifetime parole. Legislators have also been successful in preventing courts from granting petitions for adoption or legal guardianship to a sexually violent predator or someone who commits child molestation with specific provisions.

This legislation also prohibits a sexually violent predator from living within 1,000 feet of, or working at, any school, public park or program center; nor is a sexually violent predator permitted to live within one mile of the victim's residence.

I also sponsored legislation that establishes the crime of human trafficking as a Class B felony and the crime of sexual trafficking of a minor a Class A felony. Human trafficking includes the recruitment, harboring, or transportation of individuals for the purposes of forced labor, involuntary service, or prostitution. Sexual trafficking focuses more specifically on involuntary prostitution, and in some cases, forced marriages.

These initiatives can help provide protection for our most vulnerable Hoosiers — our children